

CLOSED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

United States of America

v.

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

Oscar Meraz

No. 07-10671-001M-SD

Juan Rocha (AFPD)
Attorney for Defendant

USM#: 72838208

DOB: 1976

ICE#: A88 361 245

THE DEFENDANT ENTERED A PLEA OF guilty on 10/18/2007 to Count TWO of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count TWO of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of NINETY (90) DAYS on Count TWO, with credit for time served.

IT IS FURTHER ORDERED that all remaining counts are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$Remitted

FINE: \$

RESTITUTION: \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

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USA vs. Oscar Meraz

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Date of Imposition of Sentence: **Thursday, October 18, 2007**

Date 10/18/2007

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal
07-10671-001M-SD -

By: _____
Deputy Marshal

DATE: 10/18/2007 CASE NUMBER: 07-10671-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Oscar Meraz

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney _____ INTERPRETER REQ'D _____
LANGUAGE: English

Attorney for Defendant Juan Rocha (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 10/17/07 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

- ☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ _____
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset
Set for: before:

- ☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed _____ ☐ Complaint filed _____
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts TWO
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) TWO of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because _____
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to ____ before _____
☒ To be dismissed upon entry of the judgment, Ct(s) ONE
☒ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:
☒ Defendant committed to Bureau of Prisons for a period of 90 Days ☐ Probation/Supervised Release for _____
☒ Special Assessment \$ REMITTED ☐ Fine \$ _____ ☐ Restitution \$ _____

Other: _____

RECORDED: CS
BY: Jocelyn M. Arviso, Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Oscar MERAZ

YOB: 1976

A88 361 245

United States Citizen

CRIMINAL COMPLAINT

CASE NUMBER: 07-10671M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about October 17, 2007, within the Southern District of California, Defendant(s) Oscar MERAZ-, knowing or in reckless disregard of the fact that certain alien(s), namely, Jose Alfredo ZUNO-Gazcon, Fillimon ENSASTEGUI-Lares and four others, had come to, entered, or remained in the United States in violation of law, did transport or move or attempt to transport or move said alien(s) in furtherance of such violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii)(Felony).

COUNT II

That on or about October 17, 2007, within the Southern District of California, Defendant(s) Oscar MERAZ, knowing that alien(s), namely, Jose Alfredo ZUNO-Gazcon and Fillimon ENSASTEGUI-Lares and four others, were then in the United States in violation of law and that an offense had been committed against the United States, did receive or assist the offender(s) in order to hinder or prevent their apprehension; in violation of Title 18, United States Code, Section 3 and Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

October 18, 2007

Date

at

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

Signature of Complainant

Artemio Garcia

Senior Patrol Agent

STATEMENT OF FACTUAL BASIS

Defendant: Oscar MERAZ

IMMIGRATION HISTORY: The Defendant is a United States citizen.

CRIMINAL HISTORY:

10/19/02	Somerton, AZ	Theft	1 yr prison 36 m probation
10/13/02	Somerton, AZ	Unlawful Means of Tranp.	15 d jail 36 m probation

Narrative: On 10/17/07 at approximately 1930 hours, Yuma Sector Communications Center (KAK850) notified Yuma Border Patrol Agents of a report from the Quechan Parking Lot attendants; the report stated that two individuals had just jumped the International Boundary fence and loaded into a white SUV. Border Patrol Agent S. Velazquez responded and saw a vehicle matching the description northbound on Andrade Road. He initiated a vehicle stop on with his emergency equipment, south of Interstate 8 on Andrade Road. There were four occupants in the vehicle and BPA Velazquez proceeded to question all four as to their citizenship. The two backseat passengers freely admitted to being Mexican citizens with no immigration documents. The driver, later identified as Oscar MERAZ, and the front passenger claimed to be United States Citizens. All four subjects were taken into custody and transported to the Yuma Border Patrol Station for further investigation.

At the station MERAZ admitted to doing a favor for a friend named Carlos MONTOYA by picking up two subjects at Andrade, California. MERAZ also stated that he knew that both subjects were illegal aliens.

Charges: 8 USC§1324
18 USC§3/8 USC 1325

(Felony)
(Misdemeanor)

Sworn to before me and subscribed in my presence,

October 18, 2007

Date

Signature of Complainant

Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

United States of America,
Plaintiff,
vs.

(1) Oscar MERAZ
Citizen of the United States

Defendant(s),

AFFIDAVIT

07-10671M-SD

FOR DETENTION OF MATERIAL WITNESSES

Jose Alfredo ZUNO-Gazcon and Fillimon
ENSASTEGUI-Lares

Citizens of Mexico

BEFORE Jay R. Irwin
(U.S. Magistrate)

325 W. 19th Street Yuma, Arizona 85364
(Address of U. S. Magistrate)

STATE OF ARIZONA

CITY AND COUNTY OF YUMA

: ss.

I, Artemio Garcia, being duly sworn depose and state:

(1) That I have signed the complaint in the above entitled case and have investigated it and I am familiar with the facts of the case.

(2) That on or about October 17, 2007, within the Southern District of California, Defendant(s) Oscar MERAZ, knowing or in reckless disregard of the fact that certain alien(s), namely, Jose Alfredo ZUNO-Gazcon, Fillimon ENSASTEGUI-Lares, had come to, entered, or remained in the United States in violation of law, did transport or move or attempt to transport or move said alien(s) in furtherance of such violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii)(Felony).

(3) That said alien(s) is/are illegally in the United States and that therefore it is wholly impracticable if not impossible to secure his/her/their attendance before the U.S. District Court by subpoena.

(4) That the United States Attorney for the District of Arizona, or one of his assistants acting on his behalf, has requested affiant(s) to secure an order of the Magistrate to hold said person(s) as material witness(s).

WHEREFORE affiant on behalf of the government requests the Magistrate commit him/her/them to the custody of the U.S. Marshal.

Affiant

Senior Patrol Agent
Title

Subscribed and sworn to before me this
18th day of October, 2007.

United States Magistrate